



Attorney Docket No. 13760/99999 *fv DAE*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : GOLLER et al.
U.S. APPLICATION NO. : 10/578,233
BASED ON
INTERNATIONAL
APPLICATION NO. : PCT/US2004/036477
INTERNATIONAL
FILING DATE : November 3, 2004
FOR : **SOFT STEROID COMPOSITIONS FOR USE IN
DRY POWDER INHALERS**
ART UNIT : Not Yet Assigned
EXAMINER : Not Yet Assigned

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop: Petition
Commissioner for Patents, P.O. box 1450, Alexandria, VA
22313-1450
on
Date: February 28, 2008

Signature: Cindy W. Liao

RENEWED PETITION UNDER 37 C.F.R 1.47(a)

This is a Request for Reconsideration of the Decision dated August 30, 2007, denying applicants' Petition under 37 CFR 1.47(a)" filed 13 June 2007 to accept the application without the signatures of joint inventors: Qi Li, Katherine Salas, Anayo Ukeje and Ramesh Yanamandra. The Decision provided a two month response date, and stated that extensions of time were available under 37 CFR 1.136(a). The Applicants request a four month extension of time, which would make filing of this Renewed Petition timely on February 28, 2008 (within 6 months statutory time). Please charge the four-month extension fee of \$1,640.00 and any additional fees to the deposit account of Kenyon & Kenyon LLP, deposit account number 11-0600.

03/05/2008 CNEGA1 00000011 110600 10578233
01 FC:1254 1640.00 DA

A petition under 37 CFR 1.47(a) must be accompanied by:

- (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The Decision admits that items (1) and (3) have been satisfied. The only remaining issue is whether items (2) and (4) have been satisfied.

In the previous Petition, the Applicants sought waiver of signature for four of the inventors: Qi Li, Katherine Salas, Michael Ukeje and Ramesh Yanamandra. The Applicants have since located three of the four inventors, Qi Li, Katherine Salas, Michael Ukeje, from which a signed declaration is enclosed. Thus the issues raised in the Decision for these inventors is moot.

The only remaining missing inventor is Ramesh Yanamandra. The name of the inventor was searched in the Google database, which showed a Ramesh Yanamndra in India working for the company Accenture (Declaration of Samantha Claire Radley, ¶2). A receptionist at Accenture gave three email addresses for him, which were used to contact this individual (Declaration of Samantha Claire Radley, ¶2). This individual has yet to respond to the emails (Declaration of Samantha Claire Radley, ¶2). A more detailed investigation of the Ramesh Yanamandra located in India made it doubtful that this individual is the inventor at issue here since his profile lacked pharmaceutical experience (Declaration of Payam Moradian, ¶3).

Since the last address of Ramesh Yanamandra was a UK address, an effort was then made to identify specific websites that are designed to search for individuals in the UK. Only one website was found which provided information on Ramesh Yanamandra (Declaration of Payam Moradian, ¶4). The website, gave the following address for Ramesh Yanamandra: 34 DEVON DRIVE, CHANDLER'S FORD EASTLEIGH, HAMPSHIRE, SO533GN, which is a different address than that provided on the page of the PCT application (Declaration of Payam Moradian, ¶6). This address corroborates the address for Ramesh Yanamandra provided in Paragraph 3 of June 3, 2007 affidavit of Samantha Claire Radley:

3. Later, on the 23rd August 2006, my colleague Simône Franke contacted Jaz Chick in the Teva UK Limited Human Resources Department and discovered a new address for Ramesh Yanamandra – 34 Devon Drive, Chandlers Ford, Eastleigh, Hampshire SO53 3GN. The bundle of documents described in paragraph 2 to this address was then sent to this address. No documentation has been returned to me at Norton Healthcare Limited to date.

The website did not provided a phone number for Ramesh Yanamandra (Declaration of Payam Moradian, ¶7).

A copy of the PCT application, along with a declaration and an assignment was then sent to Ramesh Yanamandra on February 25, 2008 with next day delivery to both the address from the website and the address listed on the PCT application publication (Declaration of Samantha Claire Radley, ¶3). Apparently nobody at these addresses was available to accept the envelopes. (Declaration of Samantha Claire Radley, ¶5)

The Applicants also inquired from some of the co-inventors whether they had any contact information for Ramesh Yanamandra; these co-inventors failed to provide any contact information for Ramesh Yanamandra (Declaration of Payam Moradian, ¶8).

A diligent effort was carried out in finding the inventor. A general internet search was carried out, followed by specific searches for people in the UK. Some of the co-inventors were also contacted to obtain contact information for Ramesh Yanamandra. These efforts were in addition to those provided in the June 3, 2007 affidavit of Samantha Claire Radley. The fact that the Applicants were able to locate three of the four missing inventors further demonstrates that the Applicants have been diligent in trying to locate the missing inventors, including Ramesh Yanamandra.

It is respectfully requested that the Applicants have met the requirement of section (2) of 37 CFR 1.47(a) by showing that a joint inventor cannot be reached after diligent effort.

Regarding item (4), the Decision states:

With respect to Item (4) above, petitioner filed multiple 2 page declarations. However, each declaration is incomplete, in that, each declaration does not identify all the inventors as listed on the published international application PCT/US04/36477. What is required is a newly executed declaration which identifies all the inventors and is in compliance with 37 CFR 1.497(a) and (b). Item (4) is not yet satisfied.

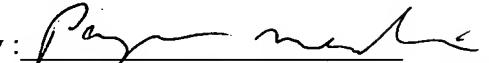
Applicants hereby submit seven new declarations from all of the inventors except the missing inventor Ramesh Yanamandra. Each inventor was sent a 4 page declaration identifying all of the inventors listed on the published international application PCT/US04/36477. Thus, the requirement of item (4) has been satisfied.

Since all of the requirements of 37 CFR 1.47(a) have been satisfied, the Applicants request grant of this renewed petition.

A duplicate copy of this paper is attached.

Respectfully submitted,

Dated: February 28, 2008

By: 
Payam Moradian, (Reg. No. 52,048)
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: (212) 425-7000
Fax: (212) 425-5288
CUSTOMER NUMBER 26646



February 28, 2008 Declaration of Samantha Claire Radley

I, Samantha Claire Radley declare as follows:

1. I am a Patent Administrator for Norton Healthcare Limited ("Norton") and I make this declaration in support of Norton's United States patent application number 10/578,233 entitled "Soft Steroid Compositions for Use in Dry Powder Inhalers".
2. I performed a search for Ramesh Yanamandra on the Google database. Based on my search, I located an individual named Ramesh Yanamandra working for the company Accenture in India. A receptionist at Accenture in London gave three email addresses for him, to which I sent a copy of the PCT application (PCT/US2004/035477) as published, a declaration and an assignment form. Copies of my email are attached as Exhibit A. Two of the email addresses failed. Copies of the failure reports are attached as Exhibit B.
3. On February 25, 2008 I sent two separate packages for next day delivery to the address for Ramesh Yanamandra on the face of the PCT application (PCT/US2004/035477) as published and the following address:

34 DEVON DRIVE
CHANDLER'S FORD
EASTLEIGH
HAMPSHIRE
SO533GN

4. Copies of the envelope receipts are attached as Exhibit C. Copy of the cover letter is attached as Exhibit D. Each package included a copy of the PCT application, a declaration and an assignment.
5. On February 28, 2008, I checked the Royal Mail, Track and Trace website. Neither package has been either delivered or collected. I enclose a copy of each tracking report as Exhibit E.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: February 28, 2008



February 28, 2008 Declaration of Payam Moradian

I, Payam Moradian declare as follows:

1. I am an associate attorney at Kenyon & Kenyon LLP, and have USPTO Registration No. of 52048, and I make this declaration in support of Norton's United States patent application number 10/578,233 entitled "Soft Steroid Compositions for Use in Dry Powder Inhalers".

2. On February 22, 2008, I received an email from Samantha Radley stating as follows (Attached as Exhibit F – confidential information redacted):

The latest information that I have for Yanamandra is that he's India working for Accenture. A very helpful receptionist gave me three email addresses for him (!) so I have sent out the form to all three. Again, I haven't heard anything.

3. I then performed my own searches on Google and located who I believe is the same Ramesh Yanamandra mentioned in Samantha Radley's email. I looked up the profile of this individual in www.linkedin.com. The profile is attached as Exhibit G, and fails to list any experience in the pharmaceutical field.

4. I attempted to identify websites that would locate individuals in the UK. I performed searches in Google for such websites, and the only website that I came across that had information on Ramesh Yanamandra was www.192.com.

5. A Paypal account was required to obtain the full information from the 192 site. I had a paralegal with a Paypal account browse the site while I stood at his side and directed him.

6. After payment, the 192 site gave the following information for Ramesh Yanamandra for the years 2007-2008 (please see Exhibit H):

34 DEVON DRIVE
CHANDLER'S FORD
EASTLEIGH
HAMPSHIRE
SO533GN

Electoral Roll 2007 - 2008

Send to My Mobile
Search Telephone Numbers

Age guide: 35-39 (?)
Length of occupancy: 2 years

7. Clicking on the "search phone numbers" tab did not provide a phone number.

8. On February 26, 2008, I sent an email to the co-inventor Anayo Ukeje asking "Do you have any contact information for the co-inventor Ramesh Yanamandra?" (Attached as Exhibit I) He did not respond.

9. On February 18th 2008, I sent an email to the four co-inventors Kathrin Salas, Qi Li, Jade Ly and Xian-Ming Zeng asking "We also need signatures from Anayo Ukeye and Ramesh Yanamandra. Do you happen to know how we can get in touch with them?" Exhibit J.

10. Kathrin Salas responded on February 19, 2008 stating: "No, , these 2 people are not with our department." Exhibit J.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: February 28, 2008

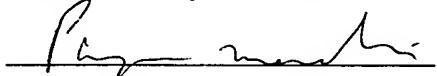
A handwritten signature in black ink, appearing to read "P. J. Salas".

EXHIBIT A


Samantha
Radley/LON/TEVA/IL
28/02/2008 11:17

To ramesh.yanamandra@accenture.com,
ramesh.yanamandra@hotmail.com,
rameshyanamandra@aim.com

cc

bcc

Subject: US Application corresponding to PCT/US2004/036477

Dear Ramesh,

I'm sorry to bother you but I need your signatures on 2 US forms for a patent application that was filed when you were working for Norton Healthcare.

The declaration should be simply signed and dated. The assignment should be signed and dated before a witness who should also sign and date the document.



BNP167_US ass.doc BNP167_US dec.doc



The PCT publication is attached herewith for your information.



BNP167_PCT.pdf

If you have any queries, please do not hesitate to contact me.

Kind regards,

Samantha

Mrs Samantha Radley
Patent Administrator
Teva Europe Patent Department
167 Fleet Street
London EC4A 2EA
Tel: 020 7540 7242
Fax: 020 7540 7030
email: samantha.radley@tevaeu.com

EXHIBIT B

From: "Mail Delivery System" <MAILER-DAEMON@idslon05.tevauk.com>
To: <Samantha.Radley@tevaeu.com>
Sent: 28 February 2008 11:17
Attach: ATT00013.dat, US Application corresponding to PCT_US2004_036477.eml
Subject: Delivery Status Notification (Failure)

The following message to <ramesh.yanamandra@hotmail.com> was undeliverable.

The reason for the problem:

5.1.0 - Unknown address error 550-Requested action not taken: mailbox unavailable

Relay Report

Your document: US Application corresponding to PCT/US2004/036477
addressed to: ramesh.yanamandra@hotmail.com
has the following delivery status: Your message was successfully relayed by LDSLON01.UK.Teva.Corp at 28/02/2008 11:17:21 to the remote mail system 10.135.246.100 that does not support confirmation of delivery.

What should you do?

This message is an informational Delivery Status Notification and does not require any further action.

- Your message was routed to a server which does not accept responsibility for generating Delivery Status Notifications upon successful delivery. You may assume that the message was successfully delivered if no failure message is received. Do not expect a delivery confirmation notice.

Routing path

LDSLON11/SRV/TEVA/IL, LDSLON01/SRV/TEVA/IL, LDSLON01/SRV/TEVA/IL, LDSLON11/SRV/TEVA/IL

To: ramesh.yanamandra@accenture.com, ramesh.yanamandra@hotmail.com, rameshyanamandra@aim.com

cc:

Date: 11:17:01 Today

Subject: US Application corresponding to PCT/US2004/036477

Relay Report

Your document: US Application corresponding to PCT/US2004/036477
addressed to: rameshyanamandra@aim.com
has the following delivery status: Your message was successfully relayed by ldslon01.UK.Teva.Corp at 28/02/2008 11:17:21 to the remote mail system 10.135.246.100 that does not support confirmation of delivery.

What should you do?

This message is an informational Delivery Status Notification and does not require any further action.

- Your message was routed to a server which does not accept responsibility for generating Delivery Status Notifications upon successful delivery. You may assume that the message was successfully delivered if no failure message is received. Do not expect a delivery confirmation notice.

Routing path

ldslon11/SRV/TEVA/IL, ldslon01/SRV/TEVA/IL, ldslon01/SRV/TEVA/IL, ldslon11/SRV/TEVA/IL

To: ramesh.yanamandra@accenture.com, ramesh.yanamandra@hotmail.com,
rameshyanamandra@aim.com

cc:

Date: 11:17:01 Today

Subject: US Application corresponding to PCT/US2004/036477

Relay Report

Your document: US Application corresponding to PCT/US2004/036477
addressed to: ramesh.yanamandra@accenture.com
has the following delivery status: Your message was successfully relayed by ldslon01.UK.Teva.Corp at 28/02/2008 11:17:21 to the remote mail system 10.135.246.100 that does not support confirmation of delivery.

What should you do?

This message is an informational Delivery Status Notification and does not require any further action.

- Your message was routed to a server which does not accept responsibility for generating Delivery Status Notifications upon successful delivery. You may assume that the message was successfully delivered if no failure message is received. Do not expect a delivery confirmation notice.

Routing path

ldslon11/SRV/TEVA/IL, ldslon01/SRV/TEVA/IL, ldslon01/SRV/TEVA/IL, ldslon11/SRV/TEVA/IL

To: ramesh.yanamandra@accenture.com, ramesh.yanamandra@hotmail.com, rameshyanamandra@aim.com

cc:

Date: 11:17:01 Today

Subject: US Application corresponding to PCT/US2004/036477

Delivery Failure Report

Your document: US Application corresponding to PCT/US2004/036477
was not delivered to: ramesh.yanamandra@accenture.com
because: User ramesh.yanamandra (ramesh.yanamandra@accenture.com) not listed in public Name & Address Book

What should you do?

- You can resend the undeliverable document to the recipients listed above by choosing the **Resend** button or the **Resend** command on the **Actions** menu.
- Once you have resent the document you may delete this Delivery Failure Report.
- If resending the document is not successful you will receive a new failure report.
- Unless you receive other Delivery Failure Reports, the document was successfully delivered to all other recipients.

Routing path

LDSLON01/SRV/TEVA/IL, LDSLON11/SRV/TEVA/IL

To: ramesh.yanamandra@accenture.com, ramesh.yanamandra@hotmail.com, rameshyanamandra@aim.com

cc:

Date: 11:17:01 Today

Subject: US Application corresponding to PCT/US2004/036477

Dear Ramesh,

I'm sorry to bother you but I need your signatures on 2 US forms for a patent application that was filed when you were working for Norton Healthcare.

The declaration should be simply signed and dated. The assignment should be signed and dated before a witness who should also sign and date the document.

The PCT publication is attached herewith for your information.

If you have any queries, please do not hesitate to contact me.

Kind regards,

Samantha

Mrs. Samantha Radley
Patent Administrator
Teva Europe Patent Department

EXHIBIT C

Royal Mail
Special delivery

guaranteed by 1pm

nextday

to

YANAMANOKA

Name

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HOLLOW, EAST LONDON

Postcode

S05 3BGN

Moneyback guarantee for delay. You can claim compensation of up to £500 for lost or damaged items.

Tick if you want a higher than standard compensation limit (this costs more)

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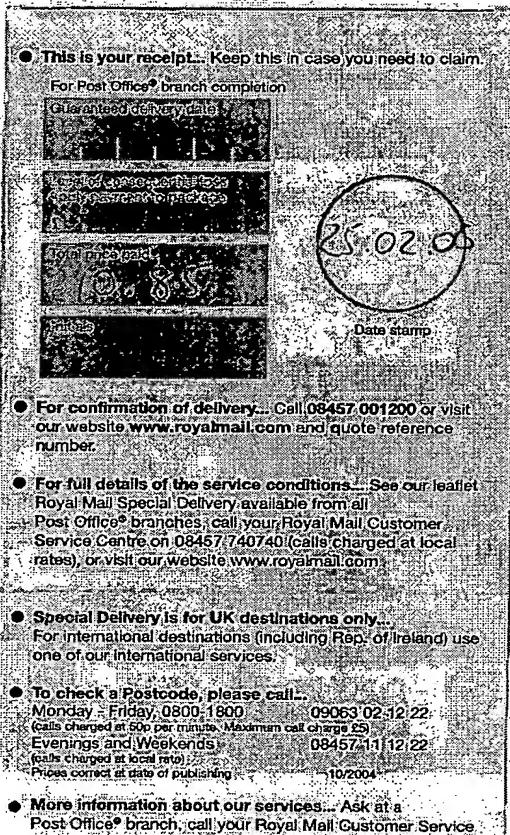
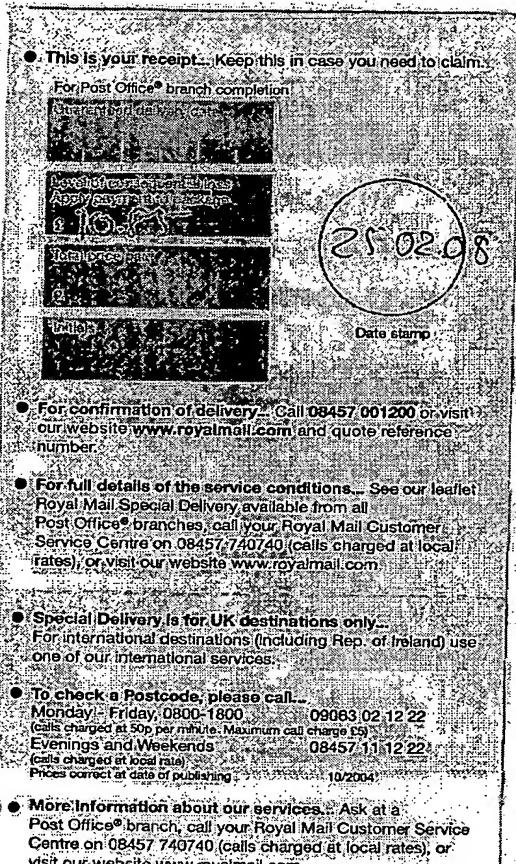
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EXHIBIT D



Mr Ramesh Yanamandra
15 Barry Road
Beckton
London
E6 5TA

25th February 2008

Dear Ramesh,

**RE: US National Phase of PCT/US2004/036477 for
Soft Steroid Compositions for Use in Dry Powder Inhalers
in the name of Norton Healthcare Limited – Our Ref: BNP167-US**

Please find enclosed a declaration for use in the prosecution of the above patent application in the United States by Norton Healthcare Limited. Please can you sign and date the declaration where indicated. The Declaration is required so that you are formally recognised by the USPTO as an inventor for this patent application.

There is also an Assignment form that should be witnessed by someone who knows you at the time of your signing. Please can you sign the assignment in the presence of such a witness who should then also sign the assignment to show that your signature is indeed your true signature.

This matter is extremely urgent so I would be grateful for your immediate attention. Please return the signed documents to me at the below address no later than Wednesday 27th February 2008. A scanned, email copy or faxed copy is acceptable in the first instance.

If you have any queries, please do not hesitate to contact the Patent Department.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Samantha Radley'.

Mrs Samantha Radley
Patent Administrator
Teva Europe Patent Department
167 Fleet Street
London EC4A 2EA
Tel: 020 7540 7242
Fax: 020 7540 7030
email: samantha.radley@tevaeu.com

Enc:
PCT Publication No. PCT/US2004/036477
US Declaration
US Assignment



Mr Ramesh Yanamandra
34 Devon Drive
Chandler's Ford
Eastleigh
Hampshire
SO53 3GN

25th February 2008

Dear Ramesh,

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Soft Steroid Compositions for Use in Dry Powder Inhalers
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If you have any queries, please do not hesitate to contact the Patent Department.

Yours sincerely

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Mrs Samantha Radley
Patent Administrator
Teva Europe Patent Department
167 Fleet Street
London EC4A 2EA
Tel: 020 7540 7242
Fax: 020 7540 7030
email: samantha.radley@tevaeu.com

Enc:
PCT Publication No. PCT/US2004/036477
US Declaration
US Assignment

Regent House
5-7 Broadhurst Gardens
Swiss Cottage
London
NW6 3RZ

Telephone 08705 02 03 04
Fax 08705 32 33 34

EXHIBIT E


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Tracking

ZV470543588GB

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Postal

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Shop

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item

Product A-Z

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Customer

service

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We have tried to deliver your item from our EAST HAM Delivery Office before 12:00 on 26/02/08 as we have left a while you were out card.

You can arrange a redelivery online, call the number on your card to arrange a re-delivery, or collect the item from your local enquiry office by bringing your card and proof of identification and address.

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TRACKING important or valuable mail

[How do I arrange a redelivery?](#)

[What happens if I don't have a "while you were out" card?](#)

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EXHIBIT F

From: Samantha.Radley@tevaeu.com [mailto:Samantha.Radley@tevaeu.com]
Sent: Friday, February 22, 2008 10:44 AM
To: Moradian, Payam
Subject: RE: US App No. 10/578,233 Our Ref: BNP167-US Your Ref: ?

Hi Payam,

[REDACTED]

The latest information that I have for Yanamandra is that he's India working for Accenture. A very helpful receptionist gave me three email addresses for him (!) so I have sent out the form to all three. Again, I haven't heard anything.

[REDACTED]

Kind regards,

Sam
Mrs Samantha Radley
Patent Administrator
Teva Europe Patent Department
167 Fleet Street
London EC4A 2EA
Tel: 020 7540 7242
Fax: 020 7540 7030
email: samantha.radley@tevaeu.com

EXHIBIT G

[Forward this profile](#)[Go back to Home Page](#)

Ramesh. Yanamandra

Customer Application Management - HP
Madras Area, India

[Send InMail](#)[Add Ramesh. to your network](#)

Current	<ul style="list-style-type: none">Associate Consultant at HP - India
Past	<ul style="list-style-type: none">Bussiness & Project Support at XansaPMO Analyst at Xansa India Pvt Ltd
Education	<ul style="list-style-type: none">Sri Sathya Sai Institute of Higher Learning
Connections	26 connections
Industry	Information Technology and Services
Public Profile	http://www.linkedin.com/pub/2/226/8

Summary

Career Objective:

To Excel in the Project Support/Business Support Functions by taking up a challenging role in a successful IT/ITES/BPO organization, that gives me an opportunity to exhibit my Analytical, Leadership and Communication skills.

Experience Summary:

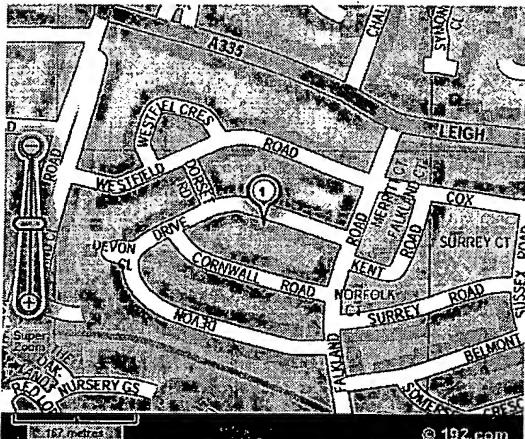
 Successfully leading the PMO Support Office (Delivery/Project Management Office) for 200 people project in Accenture.
 Experience in performing all the HR activities like (Roll-on/off, Induction, Training, Capacity planning, resource hard locking, resource allocation etc.,)
 Have designed and implemented various Project Management and Support Practices and Processes in Karna India Ltd.
 Experience as a Team Leader (TL), in providing PMO Support to 2 major retail accounts in Xansa India Ltd.
 End-to-End On-the Job Experience and Knowledge in Transitioning various processes and services from Onsite (UK) to Offshore.
 Received "Pat on the Back Award" from Xansa India Ltd, for excellent performance in delivering the PMO deliverables.
 Received Gift Voucher from Xansa India Ltd for my contribution to the organization's Community Service Related Activities and Cultural Activities.

Specialties:

Project Resourcing.
Project Estimation.
Resourcing & Recruitment
Induction & Training Co-ordination

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EXHIBIT H



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RAMESH YANAMANDRA
34 DEVON DRIVE
CHANDLER'S FORD
EASTLEIGH
HAMPSHIRE
SO533GN

Electoral Roll 2007 - 2008

[Send to My Mobile](#)
[Search Telephone Numbers](#)

Age guide: 35-39 (2)
Length of occupancy: 2 years

Electoral Roll Current Occupants

HANNAH OMUSI	2006	2007
OSAMUDIAMEN LOMUSI	2006	2007
RAMESH YANAMANDRA	2006	2007

[Search Telephone Numbers](#) (This will cost you 1 credit)

Electoral Roll Previous Occupants

CHARLES A PUTTOCK	2002	2003
WANDA J PUTTOCK	2002	2003

[Search Telephone Numbers](#) (This will cost you 1 credit)

Neighbours of RAMESH YANAMANDRA

34 DEVON DRIVE	2007
HANNAH OMUSI	2007
OSAMUDIAMEN LOMUSI	2007
RAMESH YANAMANDRA	2007
36 DEVON DRIVE	2007
PAMELA GREEN	2007
SIMON GREEN	2008
34 DEVON DRIVE	2008
NICOLA L GOSNEY	2008
MICHAEL SIBLEY	2008

[Search Telephone Numbers](#) (This will cost you 1 credit)

EXHIBIT I

Moradian, Payam

From: Moradian, Payam
Sent: Tuesday, February 26, 2008 3:06 PM
To: 'anayo ukeje'
Subject: RE: FW: Patent Application

Do you have any contact information for the co-inventor Ramesh Yanamandra?

EXHIBIT J

Moradian, Payam

From: Kathrine_Salas@ivax.com
Sent: Tuesday, February 19, 2008 8:34 AM
To: Moradian, Payam
Subject: RE: signed application

No, , these 2 people are not with our department.

"Moradian, Payam" <PMoradian@KENYON.com>
02/18/2008 06:31 PM
To <Kathrine_Salas@ivax.com>, <Xian-Ming.Zeng@tevausa.com>, <Qi_Li@ivax.com>, <Jade_Ly@ivax.com>
cc "Birde, Patrick" <PBirde@kenyon.com>, <Samantha.Radley@tevaeu.com>
Subject RE: signed application

Ms. Salas,



We also need signatures from Anayo Ukeye and Ramesh Yanamandra. Do you happen to know how we can get in touch with them?